

REMARKS

Claims 1-4, 7-13, and 15 are pending in the application. By this amendment, the apparatus claims are canceled in favor of new claims 18-26, and the method claims are canceled. Applicant requests reconsideration and allowance in view of the above amendments and the following remarks.

Drawing Objection

The drawings are objected to for allegedly not showing a leaf spring centrally supported on the bracket. The new apparatus claims do not recite the leaf spring. Accordingly, the objection is moot.

Claim Rejection

Claims 1-4, 7-13, and 15 are rejected under 35 U.S.C. § 103(a) based on Jansson, U.S. 1,746,217, in view of Bourgeot, U.S. 5,271,678. According to the Office Action, Jansson discloses the basic claim-recited configuration but not the specific configuration of the bearing elements. However, according to the Office Action, Bourgeot discloses a bearing arrangement in which the bearing element comprises conical, coaxial supporting elements with at least one conical liner. Therefore, according to the Office Action, it would have been obvious to modify the Jansson bearing elements to be configured as shown in Bourgeot “in order to provide a means of more effectively resiliently supporting loads.” To the extent claims 1-4, 7-13, and 15 are canceled, the rejection is moot. To the extent the Examiner would reject new claims 18-26 on the same grounds, Applicant requests reconsideration of the rejection.

Initially, Applicant notes that the proffered justification for modifying Jansson – “to provide a means of more effectively resiliently supporting loads” – is so general as to be effectively un rebuttable. Accordingly, Applicant’s representative spoke with the Examiner on March 4, 2008, for clarification of the grounds for combining references. During that phone call, the Examiner explained that the rejection is essentially based on substituting one known element (the bearing assembly shown in Bourgeot) for another known element (the bushings or pads 9 shown in Jansson). With that understanding of the rejection in mind, Applicant traverses the asserted combination of references.

In particular, as now expressed more clearly in the claims, the configuration of the mounting assembly is such that vehicle weight-induced loads – i.e., the primary loads on the bearing elements – are imparted to the bearing elements perpendicularly to the longitudinal axes thereof. In Bourgeot, in contrast, the weight-induced loads are carried parallel to the longitudinal axis of the bearing. While Bourgeot suggests that his bearing is to be used for coupling train cars together – see, for example, column 3, lines 10-15 – and that use would impart some loading transverse to the longitudinal axis of the bearing as one train car pulls the next train car, Applicant submits that such loading would be significantly less than the weight-induced loading, which is along the longitudinal axis of the bearing. In the present invention, in contrast, the weight-induced loading is transverse to the “stacking direction” of the supporting members and liner(s) of the bearing elements.

In response to that observation, the Examiner contended that Applicant’s representative was improperly viewing the combination of references as “bodily incorporating” the Bourgeot bearing into the Jansson apparatus, and that the basis for the rejection was that one of skill in the art would have been led to modify the Jansson bearings – with the orientational aspects already contained therein – to be constructed with nested layers as per the Bourgeot disclosure. In rebuttal, Applicant submits that such an approach boils down to little more than picking and choosing just those features the Examiner wishes to see in a reference without regard to features the Examiner doesn’t wish to see. In other words, Applicant submits that it is improper for the Examiner to assert that one of skill in the art would have been motivated to modify the Jansson apparatus essentially just because the Bourgeot configuration exists and without regard as to how that Bourgeot configuration is disclosed as being used. While it is true that Bourgeot discloses a bearing made from nested cones with resilient or elastomeric material between the cones, Applicant loads such a bearing in a manner that is significantly different than the manner in which the Bourgeot bearing is loaded. Given the different directions in which loads are applied in the claimed invention (and Jansson) and in Bourgeot, Applicant submits that it would not have been obvious to modify the Jansson bearing as per Bourgeot simply for the sake of doing so. Accordingly, Applicant submits that the new claims are patentable over Jansson and Bourgeot, and timely Notice to that effect is respectfully requested.

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Attorney Docket No.: 7589.188.PCUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner may directly contact the undersigned by phone to further the discussion.

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Respectfully submitted,

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